

IN THE

Supreme Court of the United States

OCTOBER TERM—1955

No. 23

HARRY SLOCHOWER,

Appellant,

against

**THE BOARD OF HIGHER EDUCATION OF THE
CITY OF NEW YORK,**

Appellee.

**On Appeal from Judgment of the Court of Appeals of the
State of New York**

APPENDIX TO PETITION FOR REHEARING

PETER CAMPBELL BROWN,
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New York,*
*Attorney for Appellee, The Board
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APPENDIX A

HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

~~Eighty~~-SECOND CONGRESS
SECOND SESSION

ON

SUBVERSIVE INFLUENCE IN THE EDUCATIONAL PROCESS

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1952

TUESDAY, SEPTEMBER 9, 1952

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE
INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY
LAWS OF THE COMMITTEE ON THE JUDICIARY,

New York, N. Y.

The subcommittee met at 10:30 a.m., pursuant to recess,
in Room 1305, United States District Court Building, Foley
Square, the Honorable Homer Ferguson presiding.

Present: Senator Ferguson.

Also present: Robert Morris, subcommittee counsel, and
Benjamin Mandel, director of research.

(40)* TESTIMONY OF GEORGE A. TIMONE, CHAIRMAN, LAW
COMMITTEE, BOARD OF EDUCATION, NEW YORK CITY

Senator Ferguson: Will you raise your right hand, please?

You do solemnly swear, in the matter now pending before this subcommittee of the Judiciary Committee of the United States Senate, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Timone. I do.

Senator Ferguson. State your full name and address?

Mr. Timone. My name is George A. Timone. My address is 250 Riverside Drive, and I have been, since 1946, a member of the Board of Education of the City of New York.

I do not have a prepared statement on the advice of the corporation counsel, but at the request of our president and for myself, I would like to make a very brief statement on behalf of the board.

Senator Ferguson. We would like to hear from you just as fully as you desire.

Mr. Timone. It is the view of our board that we are indebted to the committee and to you, Senator, and to Dr. Dodd, for what we count to be a great public service.

Now, as to the reason for this statement, Dr. Dodd has testified that there are probably 750 teachers in the metropolitan area who, at least as of 1944, were Communists. I suppose that a lesser number of that would be in the public-school system.

Mr. Morris. That is right. Dr. Dodd was very clear to testify that that number did not involve only people who are in the public-school system. She did stress that it was private schools and private colleges also,

* All figures in parentheses indicate the number of each new page of the Hearings, Parts 1-14, in the "Committee on the Judiciary 82nd, 83rd and 84th Congress—Internal Security—Subversion Influence in the Educational Process."

Senator Ferguson. In the educational system.

Mr. Timone. That is true.

(41) Well, even if you should take 500 as a figure in our public-school system, let me say, in the first place, that is 500 too many.

At the same time, it should be said that there are 38,000 teachers in our public-school system. So that, percentage-wise, we must not let the impression go out that any substantial percentage of our teachers ever belonged to the Communist Party or were ever in the Teachers Union, for that matter.

The Teachers Union, parenthetically, is one of 68 different organizations that we have, Senator, in our public-school system. We have over 700 schools.

I know you have a large organization in Michigan and Detroit, and I think this is much larger.

Now, here is what the board of education has done, Senator: In February 1941, we dismissed eight teachers. Those teachers were dismissed following a careful investigation by the corporation counsel, following hearings that the corporation counsel, John P. McGrath, himself conducted.

Senator Ferguson: Does this case that I read about in the paper, of requiring city employees or government employees to testify before boards or commissions under a particular charter provision or ordinance, does that now apply to school teachers?

Mr. Timone. Our view is that it does apply to school teachers, and we always took that view.

And it is comforting to have the court of appeals now definitely say that it does. I think that was an aid to us.

Senator Ferguson. In other words, if a witness refuses to testify before a board of education or a properly qualified board, he can be dismissed?

Mr. Timone. Yes, sir.

Senator Ferguson. That is a cause for discharge?

Mr. Timone. Yes, sir.

Senator Ferguson. Does this apply even though the witness says, "I refuse to testify on the grounds that it would tend to incriminate me?"

Mr. Timone. Our view is that it does.

Senator Ferguson. In other words, the right of employment is not an absolute right?

Mr. Timone. That is right.

Senator Ferguson. The right to have a public job is not an absolute right, but it is discretionary upon certain conditions, and one of the conditions is that you answer fully any questions that the boards or the various commissions desire to ask?

Mr. Timone. That is true, Senator.

I think that is the effect, too, of the decision of the United States Supreme Court in March of this year in sustaining the Feinberg order.

Senator Ferguson. That is itself not an absolute right, but it is a qualified public right.

Mr. Timone. Public employment and especially public employment as a school teacher.

I can well understand that one might be reluctant in dismissing a person in the sanitation department under certain conditions where, if those same conditions obtained and the person were a school teacher, (42) we would take a different view, because the opportunity for mischief by a school teacher is much greater, in our view, than the opportunity for mischief by a sanitation-department employee.

Senator Ferguson. All right, now you may proceed.

Mr. Timone. So that at those hearings that resulted ultimately in the dismissal of those eight teachers, we had engaged the services of Theodore Kiendl, who is probably one of the outstanding trial lawyers of this country, a partner in the John W. Davis firm. He submitted a report to us. We adopted that report and we dismissed those teachers.

Seven of those eight were dismissed because they re-

refused to answer the question: "Are you now, or have you been, a member of the Communist Party". One was dismissed because we alleged and proved that he was a member of the Communist Party.

Let me assure you that as to those dismissed because they refused to answer the question, that we had some information—and pretty reliable information—that the people involved were members of the Communist Party.

But we desired one test case. We felt that we owed it to education and to the city to present at least one test case where we squarely charged and proved membership in the Communist Party.

Now, an appeal is pending from the first case. That appeal has been pending in the appellate division of the second department, for a year and a half. It has not been pressed.

Senator Ferguson. When it has not been pressed, would you elaborate on that?

Mr. Timone. Yes. That counsel for the Teachers' Union—and it is not essential that they represent the eight individuals who were dismissed in February 1951—started a proceeding under article 78 for a review of our decision. That comes before the appellate division in the second department, which is in Brooklyn. Their record has not been printed and their appeal has not been pressed.

In other words, they took an appeal, which has been pending for almost a year and a half, and they have not pressed it.

Senator Ferguson. Does that stay your proceeding of the discharge of the employees?

Mr. Timone. That does not stay it, but something else stays it that I will come to in just a moment, Senator.

Senator Ferguson. All right.

Mr. Morris. When you say it stays it, Mr. Timone, does that mean that there is no further prosecution of this problem in the meantime?

Mr. Timone. I mean that we have been stayed, but we have not been stayed by the appellate division, second department. We have been stayed in another forum and for another reason.

If you wish me to come to that now, or later—

Senator Ferguson. No. Take it up later.

Mr. Timone. Very well. I will take it up chronologically and I will make it brief.

Senator Ferguson. Yes.

Mr. Timone. We then went to the corporation counsel and we asked him to assign his top man to work full time for the board of education as our counsel in investigating and prosecuting similar cases. He did so assign an extraordinarily capable and experienced attorney, Saul (43) Moskoff, who is directing our investigation into this problem, devoting his time exclusively to that, and we have given him a staff.

And just parenthetically, Mr. Moskoff has been subjected, as the president of our board has been, as our superintendent of schools has been, and as I have been, to the full treatment of smears that Dr. Dodd has made allusion to. These smears consist generally in circulars and dodgers that are distributed on street corners charging us with being Fascists, charging us with conducting this investigation only to sidetrack the terrible conditions existing in our schools and so forth. We have become accustomed to that.

Senator Ferguson. You must be able to endure that. This committee, I think, in this morning's press, in a statement from the union, was described as Fascist in a similar way.

Mr. Timone. We have been receiving that for quite some years, Senator.

Now, might I make reference to another point that Dr. Dodd has mentioned? She was concerned about people who had been duped into the Communist Party and sincerely have gotten out. But I say that that problem is not new

with us. We have had a number of cases where a teacher has come in and has said, "Yes, I was a member of the Communist Party." And they give us the time and the teacher then says that he got out. And where his subsequent conduct and activity has not been inconsistent with that resignation, we have accepted it.

It is the policy of the superintendent and of the board not to bring charges against those teachers where we believe that they are sincere in their change. And there have been a number of cases precisely along that point.

Of course, however, if a teacher should receive from Mr. Moskoff a notice to come in and be questioned, let's say, in September 1952, and 3 days after the teacher receives the notice he then resigns from the Communist Party, we would be a little naive and gullible if we thought that that were a sincere repentance, a sincere change. We are not swallowing that kind of a resignation.

Now, we have had a number, a dozen or more, resignations from teachers who have been called in for questioning and who rather than submit to questioning have resigned.

Senator Ferguson. We find that under the loyalty program in the various departments of Government, that rather than be subjected to telling the truth, they would rather resign.

Mr. Timone. Yes. We find that.

Mr. Morris. Therefore, Mr. Timone, it is the position of the board of education that if some teacher who you have evidence was associated with the Communist Party in the past comes forward and cooperates completely with you, even to the extent of making known details of that person's activity in the Communist Party, that there is no disciplinary action against such a person?

Mr. Timone. That is true.

Every case, of course, is judged individually. We must reach a conclusion as to the sincerity of the resignation.

There can be such a thing as a strategic or tactical resignation at certain times, and if it is that kind of a resignation, charges would be brought. If it is a sincere resignation, charges would not be brought.

So that any teacher who, for some period of time, has been in the (44) Communist Party and has gotten out and is sincere about it, I think need have no real fear of any action that the board of education would take.

Mr. Morris. And is the reason for that the fact that you are more interested in finding out what the present truth and present reality is than punishing for some past wrongdoing?

Mr. Timone. What we are interested in is this: We are interested in protecting school children, who are our first concern, against the damage that can be done and that we feel inevitably will be done by a Communist teacher. That is the point of focus rather than any effort to punish somebody for past deeds.

Senator Ferguson. You realize the real question of the training of the youth, and if they are to be trained by actual Communists, you believe that that is such a detriment that that is the first evil that has to be cured?

Mr. Timone. Senator, not only do I believe that intensely, but let me assure you every member of our board does, and the superintendent of schools does. And that is the policy of the board and we are very conscious of that and very sensitive about our responsibilities on that score.

Senator Ferguson. And you believe, as a board, that on this question of the education, youth can be contaminated and the minds of the youth can be enslaved even on into the future through the Communist teacher; is that correct?

Mr. Timone. It is correct, sir.

Senator, might I say that the board—as I said, Mr. Moskoff and the staff have been devoting full time for well over a year now to this work—this board adopted, in the

spring, a statement of policy. I would like to offer that in evidence, but in two words or sentences, here is what our statement of policy does:

It says, No. 1, it is our right and our duty to dismiss Communist teachers, and, No. 2, as a corollary to that, the superintendent has the right to ask a teacher, where he has good reason to ask the question, "Are you now, or have you been, a member of the Communist Party?"

That is all our statement of policy says. And we give the factual background and the court decisions to support those conclusions.

Following the adoption of that statement of policy, the superintendent brought charges against eight additional teachers, and it is just a coincidence that eight are involved here, too. They were all charged with refusing to answer the \$64 question, and they were suspended.

The Teachers' Union took an appeal to the State commissioner of education. That was argued in March of 1952.

You see, appeals may be taken from decisions of our boards of education even to the State commissioner of education, or to the courts.

Now, here in April 1952, upon the argument, we were stayed from proceeding further pending a decision.

Senator Ferguson, Did the State commissioner stay you?

Mr. Timone. By the State education department; technically, at least, by the State commissioner of education.

And we have thus been stayed in three areas. We have been stayed No. 1, from conducting the hearings on the eight teachers already suspended, and Col. Arthur Leavitt a member of our board, together with (45) Rev. D. Coleman, are the two trial examiners appointed by our board to conduct those hearings.

Although they were appointed in March, they have not yet conducted any hearings because of the stay.

That is one area in which we have been stayed.

Secondly, we have been stayed in suspending any other teachers who have refused to answer whether they are or are not members of the Communist Party, and there are several such cases, a number of such cases, that the superintendent would suspend tomorrow except for the stay.

Then, Mr. Moskoff has been stayed, we have been stayed from asking any additional teachers "Are you now, or have you ever been a member of the Communist Party?"

So while I don't wish to be understood to criticize the State commissioner of education, who personally is a very capable and a very fine person, really the effect of this stay since last April has brought comparatively to a standstill our efforts in weeding out Communists and subversives from our school system.

We are hopeful, very hopeful, that even if we cannot get a decision on the subject matter of the appeal very shortly, that we can get very shortly a complete lifting of this stay so that we can proceed as we want to proceed.

Mr. Morris. Does that mean, Mr. Timone, that, for instance, in connection with the 10 teachers whom we have summoned here to testify here tomorrow, does that mean that you are not now in a position to call these teachers in to ask them whether or not they have been members of the Communist Party?

Mr. Timone. That is what that means. You can ask the question, but apparently we cannot without violating this formal stay.

Mr. Morris. And that is the situation as it exists today?

Mr. Timone. That is as it exists this moment.

I know how the State commissioner individually feels about Communist teachers. I am therefore hopeful that we will get relief very soon.

Senator Ferguson. Has he written an opinion in granting the stay?

Mr. Timone. It is a so-called informal stay. We were told what the stay was, and we said that a formal stay

would be issued if we did not abide or agree to abide by the informal stay, and we respectfully suggested to him that if he shall not see fit immediately to lift this informal stay, that he please make it a formal stay so that we could all know more definitely possibly what we may and what we may not do.

Senator Ferguson. You indicated that there are moves made to criticize and even smear the board of education and those connected with this activity against communism in your schools.

Mr. Timone. Oh, yes, Senator.

Senator Ferguson. Is there any cooperation and praise of your conduct?

Mr. Timone. I think the press generally, apart from the Communists and apart from the circulars being distributed along the streets, and apart from the Teacher News, which is the publication of the Teachers' Union I think there has been a recognition by the press of what we have been doing and what we have been trying to do.

(46) Senator Ferguson. I thought I would ask that because the record may indicate that there is only one side, that everything was going one way.

Now, what about the average teacher in the union? Is it the union, as officials, or is it the union, as members, that are violently opposing your action?

M. Timone. Senator, that is a \$64 question, too.

Let me say this: Dr. Dodd has described how, in 1935, a large group came out of the union. Now, since 1935, this union has been, must I say, expelled, or may I say kicked out—it has been kicked out of the American Federation of Teachers, has been kicked out of the Central Trades and Labor Council, has been kicked out, as of 1951, out of the CIO, has been kicked out of the Joint Committee of Teacher Organizations because of its following the Communist Party line:

As recently as last year, the CIO found, after hearings when they expelled the parent organization, of which this is an integral part, they said that it was an instrument of the Communist Party.

Now, this public criticism has been going on now since 1935. The number of people in the Teachers' Union has been diminishing.

Senator Ferguson. Do you have that number?

Mr. Timone. From time to time, they give the number.

Senator Ferguson. Do you know what it is now?

Mr. Timone. No; I don't. I know that some time ago they claimed approximately 3,200, but, Senator, you cannot rely on information you get from that source, as we found out.

Senator Ferguson. Was 3,200 your last figure?

Mr. Timone. Yes. A number of years ago approximately 3,200. But that includes not only teachers working for the board of education, that is to say, at the elementary, junior high school and high-school level, but it includes teachers in private schools and it includes college teachers, and we have no jurisdiction over colleges.

Mr. Morris. Who was the person, Mr. Timone, in that Teachers' Union, who would be responsible to this committee to give the precise membership of that union if this committee should want that?

Mr. Timone. Well, the president.

Mr. Morris. Who was the president?

Mr. Timone. Abraham Lederman. But he is one of the eight teachers we dismissed in February 1951 because he wouldn't answer the question.

But coming back to the original point: Undoubtedly there are some teachers still in the Teachers' Union who do not know, or do not appreciate its aims and purposes, who are in there just because of gullibility.

But, really, how many such can there be? How gullible can a person become?

Senator Ferguson. And how long?

Mr. Timone. And for how long.

So that it is fair to say that a substantial percentage of teachers now in the union are in there knowing its purposes. I don't see how except a comparatively few could be in there all this time and with all of these exposures and not know its purposes. I think that is carrying charity to the point where it is completely unrealistic.

(47) Senator Ferguson. Do you believe, then, at the present time, that this teachers' union is dominated by the Communists?

Mr. Timone. Oh, completely.

Senator Ferguson. Controlled, in other words, rather than dominated; is that right?

Mr. Timone. Yes, controlled.

You know parenthetically, the eight teachers that we dismissed in February 1951, all eight were officers or members of the executive committee of the Teachers' Union. And of those now under suspension, whom we have not tried because of the stay, I believe that all eight are either members of the executive committee or active members of the Teachers' Union.

And all those who are now being called for questioning, but who do not appear because of the stay, all retain the counsel for the Teachers' Union to represent them.

Might I say, Senator, we talk about getting Communist teachers out of our system, and we have a duty in that regard. It mustn't be felt that the board of education thinks that it completely discharges its problem when we discharge Communist teachers. That is essentially a negative action—an important negative action, but still negative.

We have inaugurated a program and we have a regular monthly publication that we call Strengthening Democracy, which gives all our teachers source material in exposing

totalitarianism, in giving them references, in giving them material so that affirmatively they can strengthen democracy and teach democracy to our children.

That is democracy as you and I here understand it, not democracy as it has been called so glibly by the Teachers' Union.

So that we have a definite, affirmative program to teach our children about communism. That is much, much different, obviously, from teaching our children communism or from permitting them to be taught about communism by Communist teachers. But we think they should learn about communism, and we have a definite program so to do.

But, in the final sentences, Senator, there are probably more things that we can do, but I didn't wish the impression to get about—and I am not disputing Dr. Dodd, I believe her statement implicitly—but you see so many Communist teachers in our system, and did I not wish anybody to feel that the board of education was not doing all that it could to cope with the problem.

Senator Ferguson. But you have, at the present moment, a limitation, as you say, on what you believe you should be doing?

Mr. Timone. A very definite limitation.

Mr. Morris. And you, too, are aware of Dr. Dodd's testimony to the effect that if three teachers are on a faculty, that they constitute a very formidable unit with respect to spreading Communist purposes in the school?

Mr. Timone. I believe that implicitly.

Senator Ferguson. Do you have any other questions, Mr. Morris?

Mr. Morris. Mr. Chairman, we have had several requests of individuals in organizations to give testimony here on this point. Consistent with the express policy of the committee, I think we should do that in executive session and let the next public testimony be when these teachers whom we have named testify tomorrow afternoon.

(48) Senator Ferguson. Yes, unless the committee comes to the conclusion that at the close of the executive testimony it should be open to the public and taken in public.

Mr. Morris. That is right.

Senator Ferguson. Then we would feel at liberty to open the hearings.

Mr. Morris. That is right, Senator.

Senator Ferguson. I want to thank you for coming in and telling us what the problem is, as you see it as a member of the board of education, Mr. Timone.

Mr. Timone. Thank you, Senator.

Senator Ferguson. We did not feel, as I said, that we were coming here to interfere with your activities as a member of that board. We believe that education is a local problem except that it might affect our national security. Then it becomes a national problem. We want to allow everything that is possible at the local level. We appreciate your coming in.

Mr. Timone. Far from interfering, we think you help our efforts.

Thank you, sir.

Senator Ferguson. We will recess the open hearings until 2 o'clock tomorrow, and if the committee desires to open any hearing at any particular time after hearing the executive, we will do so.

(Thereupon, at 11:45 a. m., a recess was taken, the hearing to reconvene at 2 p. m., Wednesday, September 10, 1952).

(49) WEDNESDAY, SEPTEMBER 10, 1952

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE
INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY
LAWS OF THE COMMITTEE ON THE JUDICIARY,

New York, N. Y.

The subcommittee met at 2:15 p. m., pursuant to call, in room 1305, United States District Court Building, Foley Square, Hon. Homer Ferguson presiding.

Present: Senator Ferguson.

Present also: Robert Morris, subcommittee counsel, and Benjamin Mandel, director of research.

Senator Ferguson. The committee will come to order.

Mr. Morris. Mr. Chairman, Mr. George Timone, chairman of the New York City Board of Education, has requested an opportunity to appear here for a very short time at the beginning of this session.

Senator Ferguson. He may take the stand and continue his examination.

Mr. Timone. Thank you, Senator. I think I can do this in about 2 minutes.

Senator Ferguson. All right, sir.

FURTHER TESTIMONY OF GEORGE TIMONE, CHAIRMAN, LAW
COMMITTEE, BOARD OF EDUCATION, NEW YORK CITY

Mr. Timone. Senator, I testified yesterday that we had been stayed from certain action by the State department of education for approximately 6 months from taking certain action.

May I supplement that testimony by now saying that I completed my testimony at approximately 11:45 a. m. yesterday. At 12:15 p. m. yesterday, that is, a half hour later,

a letter signed by the State commissioner of education and addressed to Michael A. Castaldi, assistant corporation counsel, was read over the telephone to Mr. Castaldi. That letter was transcribed in the corporation counsel's office and delivered to Mr. Castaldi at 12:45 p. m.

The original letter, postmarked in Albany, September 8, actually reached the corporation counsel's office at 5 minutes after 2 p. m. yesterday.

Senator Ferguson. Could I see the original?

Mr. Timone. Yes. Here is the original, sir.

(50) The effect of the original is to vacate the stay. You might recall I had testified that I was hopeful that at an early date the State department of education would vacate and lift the stay that had been imposed upon us.

Senator Ferguson. In other words, this letter appears to have been mailed in Albany, September 8, at 1:30 p. m.

Mr. Timone. Yes, sir. It reached the corporation counsel at 5 minutes after 2 yesterday.

Senator Ferguson. Would you read it into the record?

Mr. Timone. I would be very glad to, sir:

Re: Appeals of Irving Adler, Dorothy Block, et al., from certain actions, etc., of Board of Education of the City of New York.

My Dear Mr. Castaldi: I have given further consideration to the matter which you presented to me in my office this afternoon.

When the above-entitled case was argued, it was understood that while no formal stay would be issued, I requested your office to advise the board of education not to pursue further the questioning of employees as to whether they are members of the Communist Party, pending a determination in said case. Since that time I have given consideration to that case and have concluded that substantial issues which may affect my decision in this case were

presented in a proceeding which was commended prior to the proceeding before me, to the appellate division for decision, and that my decision should await that determination.

I further understand that the appeal has not been argued and that it is not on the calendar of your appellate division for the September term. Under the circumstances I have concluded not to grant a formal stay in the proceeding and to release you from the understanding had at the time of the hearing in respect thereto. In so doing, however, I want it clearly understood that this does not represent in any way my determination on the issues of the above-entitled case. The question before me specifically in that case is whether your board of education may properly inquire of its teachers whether they are members of the Communist Party and, if they refuse to answer, to dismiss or suspend them. This letter is not to be construed in any way as a determination of that issue, nor does it affect our understanding as to the petitioners in the above-entitled appeals.

Yours very truly,

L. A. WILSON.

Copy to Witt and Cammer, and copy to Melton H. Friedman, Esq.

Mr. Morris. Mr. Chairman, will that be received into the record?

Senator Ferguson. Yes, sir.

(The letter previously read by the witness was received as exhibit No. 1.)

Mr. Morris. Thank you, Mr. Timone.

Senator Ferguson. I might ask, Mr. Timone, whether or not the board or you consider that this is a release of any

stay and that you might proceed as you^s deem, advisable?

Mr. Timone. I so interpret that letter, Senator, as a complete release from any stay, and we expect to proceed promptly, very promptly.

Mr. Morris. Mr. Timone, do you plan to attend this session today?

Mr. Timone. For a few moments; at most, unless you wish me to.

Mr. Morris. Would you have someone who would represent you or the board observe the questions that will be directed to the witnesses today?

Mr. Timone. Yes.

Mr. Morris. And then we would like to determine the extent to which you are empowered to go into questions such as will be asked here today.

Mr. Timone. Thank you.

(51) Mr. Morris. Mr. Chairman, the first witness I would like to have called today will be Henry F. Mins, Jr.

WEDNESDAY, MARCH 11, 1953

UNITED STATES SENATE
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE
INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY
LAWS OF THE COMMITTEE ON THE JUDICIARY,

Washington, D. C.

The subcommittee met at 2 p. m., pursuant to recess, in room 318 of the Senate Office Building, Senator William E. Jenner (chairman of the subcommittee) presiding.

Present: Senators Jenner, Watkins, Hendrickson, Welker, McCarran, Smith, and Johnston.

Present also: Robert Morris, subcommittee counsel; and Benjamin Mandel, director of research.

The Chairman. The committee will come to order.

Dr. Gideonse will you stand up and be sworn to testify?

Do you swear the testimony you will give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. Gideonse. I do.

The Chairman. You may be seated.

TESTIMONY OF HARRY D. GIDEONSE, PRESIDENT OF BROOKLYN
COLLEGE, NEW YORK CITY, N. Y.

The Chairman. Will you state your full name to the committee?

Dr. Gideonse. Harry D. Gideonse.

The Chairman. What is your profession?

Dr. Gideonse. President of Brooklyn College of the city of New York.

The Chairman. Where do you reside?

Dr. Gideonse. In Great Neck, Long Island.

The Chairman. Mr. Morris, you may proceed with your questions.

Mr. Morris. Dr. Gideonse, what do you do at the present time?

Dr. Gideonse. I didn't get that question.

Mr. Morris. What is your present occupation, Dr. Gideonse?

Dr. Gideonse. President of Brooklyn College.

Mr. Morris. For how long have you been president of Brooklyn College?

Dr. Gideonse. Almost 14 years.

Mr. Morris. Could you give us a short sketch of your educational background? In other words, let us know what degrees you have, from what universities you obtained those degrees, and generally qualify yourself as an authority in the field of education.

(548) Dr. Gideonse. I did my undergraduate work at Columbia, and my graduate work there as well as at the University of Geneva, Switzerland.

I taught in Barnard College, Columbia College, and then after my graduate work was finished, at Rutgers University, the University of Chicago, and I was a professor of economics and chairman of the department of economics and sociology at Barnard College when I was appointed, in 1939, president of Brooklyn College.

Mr. Morris. I see. What degrees do you hold, Dr. Gideonse?

Dr. Gideonse. B. S. and M. A. from Columbia; a degree known as Diplome des Hautes Etudes Internationales, from the University of Geneva. That was the thesis degree, and a number of honorary degrees if you are interested in them.

Mr. Morris. I see.

Have you been engaged in generalized educational activities outside your position as president of Brooklyn College in the last 14 years? Will you give us a brief sketch of what you have done?

Dr. Gideonse. I have been very much concerned about civil rights, and I am chairman of the board of the Woodrow Wilson Foundation, or have been. I have in a civil-rights capacity been chairman of the board of the Willkie Memorial Building, which is the headquarters, of course, of a large number of those agencies. In that capacity, I suppose I am something like the landlord.

I have been an officer and a founder of Freedom House. I have been chairman of a number of committees, one on liberal education of the Association of American Colleges.

I suppose that answers your question.

Mr. Morris. Yes. You also are the president of Brooklyn College, from which university seven members of the faculty have been called to appear before this Internal Security Subcommittee, is that right, Doctor?

Dr. Gideonse. Yes, sir.

Mr. Morris. Will you tell us in general about the work of the seven professors who have been brought down here to appear before the Internal Security Subcommittee? Did you know, for instance, that they were coming down, that they had been subpoenaed?

Dr. Gideonse. Yes, I think I knew it of all, because the staff of this Senate committee has been very careful in preparing and checking with regard to cases of that sort, in part with me and my office.

Mr. Morris. Have you followed the proceedings here? Have you followed the work of the subcommittee?

Dr. Gideonse. Yes, I have followed it quite closely.

Mr. Morris. When you knew that a particular professor or member of the faculty from your university appeared, did you send for a transcript of the hearings?

Dr. Gideonse. That is right.

Mr. Morris. I wonder if you would tell the committee what steps you have taken when you have come to know that a particular member of your faculty has invoked his privilege against incrimination before this Internal Security Subcommittee?

Dr. Gideonse. The question is a very broad one. I would like to go into the background a little.

(549) In general, of course, the suspending of a teacher under the State tenure law in New York State requires all the provisions of the State tenure law and of the by-laws of the board of higher education. That means that there have to be specific charges, trial committees, and so on. But these particular cases are special because they fall under the charter of the city of New York, article 903, which for a long time now—I think the first case of that sort goes back to 1941; as far as the board of higher education is concerned—has been held to mean in court interpretation that a witness who, as an officer of the city of New York, pleads self-incrimination as an excuse for not answering questions about what he does in his official capacity, has automatically by that very plea, as he spoke those words, discharged himself. In other words, that clause has been held to be self-executing. So all that happens under that particular provision is that after a survey of the transcript has made it clear that that is the kind of testimony that really was given, that testimony is recognized as a fact that took place in the light of the prevailing law.

In other words, the dismissal is really recognized as having taken place when the testimony was offered; and all these men knew that, because they had all been warned of that before they went down.

Mr. Morris. Dr. Gideonse, how have Communists attempted to infiltrate your faculty during the time that you have been president of Brooklyn College?

Senator Smith. Before we proceed with that, Mr. Chairman, should you not inquire if this witness objects to having this proceeding televised? I do not believe you did.

The Chairman. I did not inquire in this public hearing, but, Dr. Gideonse, you have no objection to this proceeding being televised or your picture being taken?

Dr. Gideonse. No. It is all right.

Mr. Morris. Before I repeat that question, Dr. Gideonse, this is not the first legislative inquiry into subversion among your faculty that you have experienced; is that right?

Dr. Gideonse. No, sir. Right after my appointment, things broke loose in New York State and City, and I therefore am in some ways an experienced veteran in these matters.

Mr. Morris. I see. Will you tell us what happened on this other occasion that you alluded to in your answer?

Dr. Gideonse. May I go into the history of it just a little bit?

Mr. Morris. I wish you would, very fully, Dr. Gideonse.

Dr. Gideonse. Brooklyn College, of course, is a very young college and a huge college. It has grown, I think, more rapidly in a short period of time than any other comparable institution in the United States. It was founded in 1930. That, of course, is the first year of the depression, and I think it is an important thing to keep in mind. It was founded without a campus and without buildings, and as the enrollment grew by leaps and bounds, overflowing the river from City College and Hunter College, the sister colleges also operated by the city of New York, the college was housed in office buildings, in lofts, here and there in downtown Brooklyn.

Since the budget was very bad in those days, all this rapid growth, the homogeneity of a campus, was also accompanied by the hiring of a very large number of teachers at extraordinary low salaries, many (550) of them tutors, at \$1,200 a year. All of this, of course, has a bearing upon the situation that I found when I was appointed.

We had then just moved into a beautiful new campus, new grounds, but we had a situation on our hands that was clearly one of sharp infiltration by various camouflaged units of the Communist Party.

The moment I arrived at the campus, it was clear that a problem was in my hands. The reception by that particular group had been unfriendly before I had accepted the offer. As a matter of fact, I knew that the Teachers' Union, which was then quite a force, and had, I believe, something like 130 members on the Brooklyn College faculty, had protested to the board of higher education the report of my appointment. Since the board had made friendly assurances to them, or so I was told, I wanted to make it very plain indeed, so there would be no misunderstanding, that those friendly assurances were misplaced; and, therefore, before the appointment was approved by the board, I made it very clear to the members of the board with whom I negotiated that if they had the understanding that I was going to live in peace with the Teachers' Union, they were quite mistaken; that I knew their record, was very familiar with their background, and expected to be in more or less continuous war with them, and if that displeased the board we had better not go through with the appointment.

I was told by both Dr. Carman and Dr. Tead on behalf of the board that they were not concerned with that at all; that they were convinced that I would handle those things in an appropriate professional manner, and that they would back whatever I encountered and found necessary to do.

Mr. Morris. Dr. Gideonse, may I break in there? You said you were acquainted with the record of the Teachers' Union at that time.

Dr. Gideonse. Yes.

Mr. Morris. I wonder if you would explain. Had any public action been taken against the Teachers' Union by any organization?

Dr. Gideonse. I don't recall any public investigations, but I am reasonably alert to what goes on in my own profession, and I remembered John Dewey's activities in con-

nection with the Teachers' Union, and the remarkable leadership and the courage with which he persisted in that leadership in exposing the Communist infiltration. That must have been at least 2 years before I went to the Brooklyn College.

Mr. Morris. You went there in 1938; is that right?

Dr. Gideonse. 1939. And then there was another big scrap in New York City in which Dr. Lefkowitz was one of the leaders, and that certainly made the newspapers with plenty of detail for anyone who really wanted to inform himself.

In these matters, it is my experience that reiteration to the point of nausea is required until the people wake up to the fact of what is going on. I might therefore have had the background, but I am sure that in 1939 when I came to Brooklyn, a very large number of perfectly honorable teachers who had no ideological affiliations with the Communist Party at all, were members of the Teachers' Union. One of the very great benefits of the Rapp-Coudert investigation was that that particular committee came equipped with legal talents, with a budget that made it possible to hire investigators, so it could dig (551) underneath and bring out some of the facts with regard, first to the Teachers' Union and its conduct and behavior, and also the kind of conspiratorial conduct that is characteristic of the Communist nucleus of that organization.

Mr. Morris. In other words, Dr. Gideonse, your original assessment of the political nature of the Teachers' Union was borne out by the subsequent events, particularly by the record of the Rapp-Coudert committee, whose activities you have just now mentioned; is that right?

Dr. Gideonse. Yes, sir. More than that, the benefit of pitiless publicity, to use Woodrow Wilson's phrase, was well illustrated, because I think in that period in Brooklyn, the enrollment of the Teachers' Union dropped from some-

thing like 130-odd—of course, I am going now on what I hear; they don't give me their membership figures—to less than 30. Of course, the difference is the group that was naive and had been led by the nose and now saw in the testimony what kind of an organization this was.

Mr. Morris. Dr. Gideonse, at that time the Rapp-Coudert committee testimony brought out that certain members of your faculty were in fact members of the Communist Party; is that right?

Dr. Gideonse. That is right, in my administrative and private judgment, but was not right in the sense that they proved it with enough legal validity so that I could act on it.

Mr. Morris. I see. In other words, at that time, as I recall, Dr. Gideonse, there was a member of your staff who admitted in sworn testimony that he had been a member of the Communist Party, and proceeded to relate the names of others who had been in the same unit of the Communist Party with him?

Dr. Gideonse. That is right.

Mr. Morris. That is Professor Grebanier, as I recall.

Dr. Gideonse. That is right.

Mr. Morris. Could you tell us what administrative difficulties you personally encountered in the face of that testimony?

Dr. Gideonse. That is a long story. You mean with regard to my discharge of my official responsibility?

Mr. Morris. You have indicated that in your personal opinion you felt that the evidence was sufficiently probative, but legally you were not able to take any action. I thought that was your position.

Dr. Gideonse. That is right. Now that I see what you mean by the question, let me again revert to the fact that I am, as a public administrator, not like a private-college president, who has much more discretion and leeway. I

am under the by-laws of the board of higher education, and I am under the State-tenure law, the most rigorous protection of academic tenure anywhere in the United States, public and private colleges included. In order to act on a case of what, in this case, would really be perjury, and certainly therefore is conduct unbecoming a teacher—irrespective of whether party membership was legal or not, it was perjury, and that I don't think there will be any quarrel about at all—one would need, so my legal advisers told me, at least 2 witnesses, not 1—that the court procedure and precedent showed that these cases were otherwise thrown out, and then one had, of course, that whole situation to go through all over again; or 1 witness and significant corroborative evidence.

(552) With regard to three of these gentlemen, we had significant corroborative evidence. Charges were preferred. It is very interesting and significant that the kind of conspiratorial conduct that we have in these cases, they all have the same lawyer. The lawyer presumably knows that these are the cases on which we had a little more than the others. Therefore, a marginal witness could perhaps stand up as a strong witness in a case where there was corroborative evidence, and then perhaps he could be used on the other cases. These three men, under the discipline that the party imposes, all resigned when the charges were published. They never used their legal rights to a trial, which was held out to them and in which they could have had their own lawyer. They just resigned when the charges were published. Therefore, we did not have the chance to go through the test of the witness, you see, under strong conditions; and that, of course, weakened the likelihood of using him under more marginal cases.

Anyway, under legal advice, we did not go through with the others.

There are additional problems, if you are interested in those. The moment you have in that set of circumstances,

which is now history, a witness who does cooperate, you have on the part of the party and its machine an organized campaign to make life unpleasant for that witness, most extraordinary and to me very instructive. I had not imagined anything like that would be possible, but one actually had to protect the witness by the machinery of the college.

Mr. Morris. Dr. Gideonse, some of those professors and members of your faculty who were involved in the investigation by New York State in 1941, have subsequently been brought before our committee, have they not?

Dr. Gideonse. That is right.

Mr. Morris. This time, rather than deny the charges—which I believe these people did at that time, did they not?

Dr. Gideonse. Right.

Mr. Morris. Suppose you tell us what they did. I have here clippings in front of me, one from the New York Times of January 4, 1941, headed, "Five Professors Deny Communist Links." Among the five are Dr. Harry Slochower, Murray Young, and Dr. Frederick Ewen. They are some of the people listed in this particular article. Those professors and members of your faculty have been called before this committee and, instead of denying, they invoked their constitutional privilege against incrimination.

Dr. Gideonse. That is right.

Mr. Morris. So the situation here before our committee is a bit different from the one that New York State experienced in 1941. Do you have any reason why there was a different attitude taken by these different professors?

Dr. Gideonse. I faced that particular question finally, officially, when the last two were suspended, because there began to be a feeling on the part of some of my associates that suspending them just under article 903 of the city charter had the appearance of acting on a mere technicality.

Mr. Morris. In other words, now in addition to having—previously, I think you described it that you were satisfied in your own mind with the proof that had been adduced against these people, but still you had no effective legal remedy.

(553). Dr. Gideonse. That is right.

Mr. Morris. Now you have an effective legal remedy, and you would like to do something more, all in the interest of safeguarding what may be someone's personal rights or liberties?

Dr. Gideonse. That is right. Also in the interests of making it plausible that the college administration, and behind it the Board, were acting on the grounds that were not just superficial little technical pretenses. The difficulty with that, of course, is that one gets beyond the evidence known to the general public, although one may be within the evidence known to oneself. I therefore, in this last case, issued a statement of about a page and a half in which I wanted to give some background as the reasons that played a role in making use of the technicality.

Mr. Morris. Will you read that into the record for us?

Dr. Gideonse. I would love to do so, but I want to tell you before I read it that I had the typical New York State difficulties with this statement. I was even told by one of the press services, after they had had it read to them, that in their judgment, under some legal decisions in New York, this was a statement that would expose the press service to financial damages, and so forth. That is why they didn't run it. That gives you a picture. You know, perhaps, of the feature of the food decision in New York State, and of the difficulties a public administrator is under when you are handling this kind of material.

Mr. Morris. You realize, Dr. Gideonse, you will have no such difficulty here, because privilege adheres to your statements here.

Dr. Gideonse. The statement was issued, anyway, and I told these gentlemen I would be very glad to have a legal test of the matter. I feel very sure that the evidence is available.

I quote:

These teachers were questioned by the Internal Security Subcommittee of the United States Senate on February 24, 1953, and I—that is, the president of the college—have examined the transcript of the hearings. There is nothing new about the operation of section 903 of the New York City Charter. As far back as May 12, 1941, it was established in a similar case that a teacher who, on grounds of self-incrimination, refuses to answer questions regarding his official conduct has himself terminated his employment by his refusal to testify. This provision of the charter, in other words, is self-executing. These are in my judgment clearly cases of the same type, in which the college administration—and ultimately the board of higher education—simply recognizes the facts of the case in the light of the governing law.

These cases do not involve issues of academic freedom or freedom of thought. Twelve years ago both these men swore in the Rapp-Coudert hearings that they were not members of the Communist Party. If they had now admitted that they were members of the party, they would have raised a basic issue about their testimony before the Rapp-Coudert committee. If they had repeated their previous testimony, they could foresee that testimony now available to the Senate subcommittee would make charges of perjury unavoidable. They therefore chose to appeal to the fifth amendment with a smokescreen of language designed to make their action appear as a defense of freedom and democracy rather than a carefully planned avoidance of perjury charges.

These are not issues of freedom or of legal technicalities. Wholly apart from the provisions of the city charter and from the flagrant disregard of the Board's specific instructions to cooperate with the legislative committee, this is clearly a matter of unprofessional conduct or, in the language of the governing statute, of "conduct unbecoming a teacher." The basic issue in such cases is not even concerned with the question of the wisdom or the legality of retaining or appointing teachers who are members of the Communist Party. It can be stated in the simple language I used at the time of the Rapp-Coudert investigation, (554) that is to say: Can teachers be trusted in a public and professional capacity if they perjure themselves—irrespective of whether they are Republicans, Democrats, or Communists? The principle can be regarded as well established. The only thing that is new at this time is the evidence that is becoming available as the result of the subcommittee's activities.

Mr. Morris. Dr. Gideonse, therefore it has been apparent to you that Communists have attempted to infiltrate your faculty during the time that you have been president of Brooklyn College?

Dr. Gideonse. A more correct statement would be that they certainly had infiltrated it before I was appointed, and that I had to deal with the problem that resulted. As far as I know, efforts to introduce new members of the party in the last few years have been very infrequent. I can think of only two, and they were stopped. It is possible there were some cases so well concealed that I know nothing about them.

Mr. Morris. So you took a very strong position back in 1941 against the activities of the Communists who were on your faculty and the Teachers' Union in general. The

Teachers' Union, you said, at its peak amounted to about 130 members, which membership was reduced after that particular inquiry.

Did the Communists do anything? Did they retaliate in any way against your department at that time?

Dr. Gideonse. Almost from the very beginning, and since they had very considerable influence in some of the key activities on the campus, including the student newspaper, which is one of their favorite sources of infiltration, a rather unpleasant atmosphere in that respect prevailed for quite a while. At the time of the Rapp-Coudert hearings, they picketed my home.

Mr. Morris. Would you tell us about that picketing, please?

Dr. Gideonse. Oh, this was done at regular hours, several days, a typical picket line, wearing masks. I had the impression that these weren't students at all. It was supposed to be a student picket line. It looked more like regular party ringers they picked up somewhere in Manhattan.

Mr. Morris. You mean the people in the picket line wore masks?

Dr. Gideonse. That was to suggest, of course, as the Communist Party always does, that these issues were about something other than communism. I don't know of a single campaign out in the open for the Communist Party. They always tie in with some issue that happens to give some concern to other people, to see if they can't make something out of it in the way of recruiting activity.

Mr. Morris. At that point, Dr. Gideonse, what issue did they use at that time?

Dr. Gideonse. The issue that they were using at that time was the argument that my speeches—I happened to be something of a specialist in international relations—were manifestly a support of Mr. Roosevelt's warlike policy, and that therefore I was a warmonger, and the whole Repub-

lian investigation of the colleges was concerned with war-mongering, and therefore they wore gas masks, you see, to emphasize the fact that this was really a pacifist demonstration of peace-loving people. This, therefore, must have been before June 22, you see, because then, of course, the line changed and it would require something else.

(555) Mr. Morris. Did the gas masks serve a double purpose, do you think? Did it conceal the identity of the picketers as well as giving this extraneous element to the performance?

Dr. Gideonse. It might certainly be read that way. On the other hand, anonymity is rather easy to achieve in our very large urban institutions. You must remember that right now, Brooklyn College has some 21,000 people, who use the campus every day. So it is not necessary to wear a mask not to be recognized.

Mr. Morris. Dr. Gideonse, there have been newspaper accounts of the fact that your home was bombarded with telephone calls, and your wife received phone calls, and you did. Are those news accounts generally true?

Dr. Gideonse. Yes. They definitely did to us what the party very often does when it has that kind of an issue on its hands. That is, they try to wear down the man or woman who is at the center of the resistance, and that consists, for instance, of making your telephone useless to you, or calling you up at all hours of the night so that the next morning you will be weary and perhaps will lose your temper on some occasion, and that, of course, would give them a new issue. It is a very well-known—they call it a "telephone picket."

It included, incidentally, sending telegrams, one of which was rather shocking to my wife because it arrived when I was not at home, which announced a death in the family. All sorts of techniques with which to demoralize or undermine the resilience of the individual involved.

Mr. Morris. Was the American Student Union active in this performance?

Dr. Gideonse. Yes; they were very active in it, and very much a part of the agitation, because one of the very first things that we had to cope with in those days was the close relationship between the Teachers' Union leadership and the American Student Union so-called leadership. Those organizations dovetailed, and they acted more or less on the same purposes.

That is part of the strategy of the party, of course. The party always, it seems to me, builds up a new agency when the old one has been completely exposed. Then no innocents joined it any longer, so it becomes useless, and a new innocent front, or transmission belt, whatever the language is, is set up whose purpose appears to be different from the old one, so that naive and innocent people can be induced to join it by the selection of some issue that they happen to be interested in. That might be an issue of some racial problem, or some war and peace problem, or a question of student fees, or what have you.

Then, of course, you have gradually to expose that group again as really operated by the same inner circle. That is what makes it so difficult in the beginning to handle the new front, because the new front is deliberately set up to be enticing to innocent people, and in the early period, therefore, very many people are members of that new front who are completely innocent, because it would not serve their purpose if they weren't.

The Chairman. Dr. Gideonse, do you consider that educators should consider themselves a self-sufficient community, or should they feel a deep sense of responsibility to the parents of the country in an hour of grave crisis? I would like your opinion on that.

(556) Dr. Gideonse. I think, Senator, that the question answers itself, although I would like to make a distinction.

Where you are dealing with graduate schools, professional schools, there the faculties have students who are adults, who are presumably able to take care of themselves, discriminating what kind of propaganda is thrown at them. But if we are talking about colleges, junior colleges, the overwhelming majority of the students are below 21. The faculty is obviously in the position that we technically describe as in loco parentis, that is, we take the place of parents while the students are entrusted to us. In a period in which it is unfortunately true that a very large number of families and a very large number of churches no longer have any hold on young people, it means that the college's responsibility is enlarged to the extent to which these other agencies no longer play that role, and the responsibility is to my mind today rather terrifying. It certainly is a very real responsibility. It is our job to see to it that these youngsters in our charge are safeguarded from spurious and scurrilous and camouflaged contact the way we would do in our own home. I can't see any argument about that at all.

The Chairman. I take it, then, that is your opinion that the schools and colleges of the United States play a vital part in the world-wide struggle against communism and totalitarianism?

Dr. Gideonse. Yes, sir.

The Chairman. What part would you say they play?

Dr. Gideonse. I am a very enthusiastic member of my own profession, and I should say that I think their role is probably more important even in this cold war stage on the verge of hot war than the Armed Forces themselves, because that kind of conflict is perhaps decided in a sense by armament, but, after all, armament doesn't mean very much if there is no purpose and will behind it. The colleges concerned as they are with the top drawer of talent for the country—2,500,000 in college right now in the Uni-

ted States—are obviously either consciously or unconsciously a very important part in clarifying national will and purpose. If this is a struggle; in the end, about ideas—I like to call it a struggle for the soul of men, because that is what it seems to me to be—then clarifying national ideas of self and what our purpose is, is vital. Then the Communists are right in making so much of trying to confuse the colleges, too, because they know that, too, and they try to confuse the clarity of national thinking by their infiltration.

The Chairman. Senator Smith, do you have any questions?

Senator Smith. Yes, I have 2 or 3.

Doctor, I judge from what you said that you have followed fairly well the hearings of this subcommittee on the educational situation. I also judge that you are familiar, from what you said a moment ago, with the Rapp-Coudert committee in New York State. Is it your feeling that the work of that committee and the work of this committee has been such that you could cooperate with those committees, and that the work was really worth while insofar as not only the welfare of the particular group of people in the country, but the country at large; that you felt it was really worth while and that you could cooperate with the endeavor of this Senate committee?

Dr. Gideonse. As a matter of fact, Senator, when the Rapp-Coudert committee was set up, I was enthusiastic about having it set up, because (557) it was perfectly clear to me that the nature of the kind of thing we were then coping with was then so badly understood by even the members of my own staff, not to speak of the general public, that one needed the kind of investigational talent, legal and other talent, in order to dig underneath and give evidence of the kind of concealed and camouflaged conduct that was involved. The average college teacher is in-

clined to think that the other fellow is just as honest and as simple as he is, and that he is going to be honorable. My experience has been that when you put this particular assignment in the hands of a faculty committee, where I think it belongs if you could assume that they were minded to dig in the way it requires, the faculty will ask some questions, and if they get answers they will assume that the man who answers is honest, and then if they have a little doubt, they do what they did in my case. They say, "Will you put those answers in writing?" Then a document is produced in which the answers are put in writing, and that is filed away. That is supposed to be the end of it.

Of course, the Rapp-Coudert investigation, and now latterly some of the things that you have put on the books, have proved that those replies in writing were utterly and completely invalid, and therefore I welcomed having a body that would have the kind of talent at its disposal which the faculty committee does not, that would take this other-than-professional conduct—because that is what we are talking about—and expose it for what it is. I have the same feeling with regard to this committee. Your committee has been, as far as I am concerned, very helpful to us at Brooklyn College, because you have helped us to remove some of the lags of that residue of 1939-40 that we had with ourselves all that time, which we couldn't do anything about under the law. Now you have supplied the evidence that made it possible to do it.

May I add something to that beyond that statement?

Senator Smith. Yes. Go ahead.

Dr. Gideonse. I think one of the reasons why there is such a flurry in some circles about the operation of this committee is that there is so little understanding of the nature of the job done. Senator Jenner made a statement sometime in February—I secured a copy of it just this

afternoon, but I had read it—on February 24, a statement on the purpose of this committee. I had really to go to work to get the text of that, because the newspapers didn't carry very much of that. It was not flamboyant. It did not have anything to do with witnesses. It was a statement of purpose.

I have watched your hearings, and I have read this statement of purpose. I find them completely in accord with one another, and I think if there were some varied reiteration of this statement of purpose so that it would be understood that your committee there said that you are not interested in anything that is negative to academic freedom—that, as a matter of fact, you are interested in protecting academic freedom; you are not interested in taking away the responsibility for the local policing of the institutions throughout the country—in fact, you are interested only in putting on the books here testimony, and I am using my language now, restating it, testimony about conspiratorial conduct, and you are then leaving it to the local institution—which the Senator even described as the first line of defense—(558) both in its faculty and in its board, to judge, to evaluate that testimony and to act on it. You went out of your way to say that you have no interest in doing anything about the content or the method of teaching in the local institutions. You are not interfering with that. You are concerned with this conspiratorial evidence and putting it on the books, and leaving it to the local authorities to judge.

I know from my experience with our witnesses that you have made it a practice in every case to sift this evidence in private hearings before it comes to the public. You even warned me about the naming of people that might not have had the benefit before this public session started. I know from my own experience, too, that you have always allowed everyone who wanted it to have a lawyer in the private

session as well as in the public one, if he wanted to have it.

I think if all of that were clearly understood throughout the country, that the overwhelming majority of people interested in the schools and colleges would say there is absolutely no objection to that whatsoever. It is only because it is misunderstood.

You have this lunatic fringe on the left, to use the Roosevelt term, and you have another one on the right. They are both thoroughly propagandized, and they don't see what is going on in the middle. This is something going down the main line right in the middle. It is just a matter of putting evidence of unprofessional conduct on the books for evaluation by the local authorities. I think it would help if this committee reiterated that on several occasions.

Senator Smith. Doctor, I judge from what you have said up to now that you do not see any reason why the really sane and level-headed members of the teaching profession should not cooperate with this committee, and that they need have no fear of encroachment upon academic freedom, so-called. Is that your feeling today, after what you have observed about the committee's activities?

Dr. Gideonse. Yes, sir.

Senator Smith. I suppose you have noticed, as I have, that there is a tendency on the part of some well-meaning teachers who do not know the background of some of the movements around them, immediately to rush to the defense of any teacher who may be at all involved in one of these hearings. Do you know any reason why the teaching profession should not be willing to cooperate with us by the setting up of some body of their own; a committee, to work with us and help us to separate the wheat from the chaff, so to speak, in order that we might present always fairly, suggestions that come to us with respect to

deviation from loyalty of any member of the teaching profession?

Dr. Gideonse. The only reason that I know for not doing that is an incomplete understanding, which is still very widespread, not only of the nature of what you are doing, but of the nature of the problem itself. I think one has to keep in mind, Senator, that what we are talking about, this very real evidence of a measure of infiltration in some places, is something that is, after all, not characteristic of the overwhelming majority of American colleges. We have a House committee report on the AYD, for instance, that would be good evidence.

Senator Smith. That is American Youth for Democracy.

Dr. Gideonse. That is the Youth for Democracy report. That is as good evidence as I know of the extent to which that particular (559) Communist transmission belt has successfully penetrated. As I remember it, it enumerated at the time 60 chapters in 14 States, and 18,000 members. That, as far as I am concerned, is 60 chapters and 18,000 members too much, but that is what it was.

The number of colleges in the country is about 1,200. Sixty chapters is 5 percent. To be sure, they would be in the main, roughly speaking, larger and rather important colleges. That would be true. But 5 percent. Eighteen thousand is less than 1 percent of the total enrollment in the undergraduate colleges at the time.

It pays to look at that, because we are dealing with something that 90 percent—in terms of my arithmetic a moment ago, 95 percent—of American colleges don't know much about. They therefore hear, "American Youth for Democracy." "American" is a good word, "youth" is, and "democracy" is. It takes them a long while to realize that all three of the words are lies: that it isn't American; that it isn't youth—they are graybeards of the ideological sort, Union Square; and that "democracy" means totalitarian. It takes a long time for it to percolate. The aver-

age professor has experience which makes him a little shy of controlling anybody's thinking. The academic profession, after all, has dealt with efforts to curb critical thought, to curb the unconventional and the unpopular. He knows that that very often is just an effort to repress freedom of thought. He easily confuses what is a deliberate effort to undercut freedom of thought with what looks like an effort to stop liberals from having their age-old right to think liberal thoughts.

Senator Smith. Did you read Dr. Jones' statement of policy, the president of Rutgers University?

Dr. Gideonse. I did, sir.

Senator Smith. I thought he made it quite clear, and I wondered if you agreed with him, that there is a difference between an attempt to suppress freedom of thought and to hold a man responsible for his overt activities.

Dr. Gideonse. Yes, sir. I would say, sir, if I thought this committee was concerned with being critical of people who thought unpopular thoughts or concerned with the repression in general of the essential function of colleges and universities, and that is to maintain themselves as centers of independent thought, I would be the first to be very critical, indeed, of this committee; and if I had an idea that my board was trying to fire some teacher for that, it would have to accept my resignation before it could act on the dismissals.

A college president does that, I would say, if he is worth his salt at all, pretty much the whole year around, defends teachers for saying and doing and thinking things that he would not say or do or think himself. The price of liberty is eternal vigilance. That is the traditional formula. It also is the tolerance of the occasional jackass; and the jackass even has the privilege of thinking that you are one.

If you do not do that, you will find that your own privileges will very soon be restricted.

But that is not the case, and what we have to clarify in this particular issue is that here is a group that kidnaps our vocabulary, walks off with our sacred words, "freedom," "democracy," "rights," and so on, and then pours into that particular vocabulary totalitarianism, lying, untruth, perjury, whatever it is that you can get away with. (560) They are not a minority standing up for their rights. They never even pretend to have the courage to admit that they are what they are.

Senator Smith. Doctor, do you feel that the work of this committee has been helpful to you in eliminating communism from your faculty and from your campus?

Dr. Gideonse. I would say, unqualifiedly, "Yes."

Senator Smith. Have you suspended or did you suspend all the members of your faculty who refused to answer the questions of the committee?

Dr. Gideonse. I believe in every single case we did that, Senator.

Mr. Morris. The seven faculty members who have appeared here are Harry Slochower, Sara Riedman, Melba Phillips, Frederick Ewen, Murray Young, Elton Gustafson, and Joseph Bressler. They are the seven members of your faculty who have appeared before this Internal Security Subcommittee.

Dr. Gideonse. Yes, sir. Each and every one of those is one of the oldtimers that goes back to the Rapp-Coudert days.

Mr. Morris. Doctor, some of those have denied to you and to various authorities, have they not, that they have ever been members of the Communist Party? Are you acquainted with that?

Dr. Gideonse. Yes, sir.

Mr. Morris. The newspaper clipping that I alluded to before makes mention of the fact that Dr. Ewen and other members of the faculty submitted affidavits. Part of the affidavit reads:

I am not a Communist or member of the Communist Party, and I have never been engaged in any subversive activities at Brooklyn College or elsewhere.

Do you find it is the practice of these people to deny when they are talking to you in their conversations, when you question them about their activities, or even in this case in affidavits, their Communist Party affiliations?

Dr. Gideonse. I admit the theoretical possibility of meeting an honest Communist some day, but I have never met one yet. They are all, in my experience, invariably and on principle liars, willing to perjure themselves if they are in trouble.

Mr. Morris. Doctor, what I was trying to bring out was, have they in fact denied to you being members of the Communist Party?

Dr. Gideonse. Yes, several of those people have.

Mr. Morris. And yet when they appear before a properly constituted tribunal such as this Senate Internal Security Subcommittee, they have invoked their privilege under the fifth amendment rather than put a denial on the record.

Dr. Gideonse. I can tell you about one of these colleagues in some detail.

Mr. Morris. Will you do that, please?

Dr. Gideonse. He was a gentleman that I thought probably had an affiliation in terms of what we knew about him in the Rapp-Coudert days, and a faculty committee also had some suspicion about this. He was a good scholar, and with his students an effective teacher.

The time came when he was ready for promotion in terms of a comparison with other colleagues. Of course, the issue arose, since you can't prove these doubts, should we not waive them? Which is truly a very effective argument, and certainly in line with the old American tradition that you must be proved innocent until—et cetera. So a (361) faculty committee was set up to look into the merits of the case,

and in that case the faculty committee did a very thorough job for a faculty committee that cannot do an investigation of the FBI sort. They came to the conclusion, after much heart-searching, that this story about this man was probably untrue, but they had these doubts. So they made him write out, with his signature under it, very solemnly, all the things that he had told the committee about never having been and not now being a member of the party, and that was signed.

Then he was called a couple of years later—and we promoted him, by the way.

Mr. Morris. Are you going to name this man for us?

Dr. Gideonse. Yes. You have him.

Mr. Morris. Which one is that?

Dr. Gideonse. That is Professor Slochower.

When this particular gentleman was called, he came in to get advice from me, and I told him, "I don't see that you have a problem. You have told the faculty committee and you have told me that you were not and never have been. We have that from you in writing. You assured all your colleagues. You have led them all to believe that. All you have to do is go and tell that committee just exactly what you have told us and what we have in writing from you."

His reply to me was, "If I do that there, they will prove perjury on me."

That gives you a picture of the kind of morale that we are dealing with. These are not issues that are worthy of being considered by anyone who is really professionally interested in academic freedom. This is the academic gutter.

The Chairman. Senator Welker?

Senator Welker. Dr. Gideonse, based upon your experience as an educator, you know, as a matter of fact, that only a small percentage of the teaching profession are members now or have ever been members of the Communist Party?

Dr. Gideonse. Yes, sir.

Senator Welker. So, based upon that assumption, Doctor, and based upon your experience as an educator, I want you to tell us why the Communists have made such an active move and active effort to get into the school system throughout our land?

Dr. Gideonse. I would say there are two main reasons that I can see. One is that since the Communist Party is obviously an instrument of a foreign power, Soviet Russia—I don't think anyone has any illusions about that any more today—they are interested in demoralizing our youth, because it would presumably be, in terms of a conflict with Soviet Russia, of Russian interest to have a relatively demoralized American youth. Anything you could therefore do on the American campus to make American youngsters feel doubtful about the sincerity of our profession, our belief in freedom and democracy and equality, and so on, would help to demoralize American youngsters, and therefore America, in terms of world conflict.

Secondly, the more obvious one, that I think it is pretty clear that by the time someone has become 30 years old, his sales resistance to the sort of thing the Communist Party has to peddle has considerably increased. It is the late teenager—the maximum recruiting period is probably around 19 or 20—who is at the peak of his idealistic orientation. (562) In other words, they get them when they are at their best: You wouldn't want young people who didn't make mistakes of that sort, as a matter of fact. That is the time when they are gushing with enthusiastic devotion to something that is not immediately practical, not immediately vocational. That is the period when you have a maximum chance of inducing them to fall for the big, bold slogans that they always hold out as part of the merchandising.

Not at that stage do they tell them what they are really interested in. That comes later if they last in the party.

I think those are the 2 main reasons.

Senator Welker. I appreciate that very much, Doctor. Doctor, you realize that every member of this committee is a member of the bar in different jurisdictions in the United States, and as such they have taken oaths to champion the cause of the defenseless and the oppressed. I am particularly interested in your remarks which favored some of the activity; and I think most of the activity, of this committee.

Doctor, may I ask you this, then: What program could you suggest to us as a committee that would help us as a congressional committee to counteract communism which is penetrating and influencing our young, faculty members in some instances, in our universities and schools throughout this land?

Dr. Gideonse. I appreciate your asking that question, and I would like to answer apart from some of the things that I have said already, Senator, with regard to repeating and reiterating and clarifying the purpose of the committee, because I think that is one of the important things to get across to the country.

Senator Welker. I am certain that that is right, Doctor, and I would like to hear your testimony again on that.

Dr. Gideonse. The first part, then, would be to get that across: that you are not interested in any way diminishing the vital importance of the tradition of academic freedom. You are interested in making it clear that there is a certain kind of conspiratorial conduct which has nothing to do with freedom, which itself is subversive of freedom, and you are making evidence about that available here.

Then the second thing, I should think—here I am venturing very much, but if I were sitting where you are sitting, doing what you are doing, I think I would take the statement of principles—and I brought it along, hoping that you might ask me a question of this sort—the statement of principles on academic freedom of 1940 of the American Association of University Professors. This is the state-

ment that they print from time to time in their bulletin. This is the statement that has the agreement of the Association of American Colleges. That is the top 700 colleges of the country. It has the agreement of the Association of American Law Schools and, of course, some, I think, 40,000 members of the academic teaching profession in the American Association of University Professors. I reread it again the other day from the standpoint of your committee. It seems to me there isn't a word in the statement that you are in conflict with.

You could, I think—I don't want you to say "yes" to this now; you wouldn't, I think—but I think you might submit this to your counsel and deliberate on it, and I think you would find that it would be possible to say that this committee is based on those same (563) principles. We are interested in what the American colleges said they were interested in when they adopted this on behalf of all the boards of trustees and were interested in what these 40,000 members of the American Association of University Professors are interested in. But we would like to have you notice that the key things concerning the business we have before us here are not provided for in this document. That is to say, there is nothing in this document about restraints on freedom by organizations that teachers have joined themselves. All the things that are in the traditional statement of academic freedom are concerned with restraints imposed by college presidents, boards of trustees, wicked materialistic interests of one sort or another. Nothing is said about restraints of freedom imposed by organizations that members of the staff join on their own initiative. That is the problem you are concerned with. That is a problem that is not covered in this statement.

The Chairman. Dr. Gideonse, how long is that statement?

Dr. Gideonse. It is the 1940 statement of principles. It is about two pages of print, and then it is followed by the

1925 statement of principles which is incorporated, which is another page and a half.

The Chairman. I would like at this time to make that a part of the record of this committee, and I am going to ask our counsel to examine it and report to the committee what his interpretation of it is, whether or not it fits in with our ideals and objectives.

(The material referred to follows:)

ACADEMIC FREEDOM AND TENURE STATEMENT OF PRINCIPLES, 1940¹

¹ Since 1934 representatives of the American Association of University Professors and of the Association of American Colleges have met in joint conferences to discuss the problems and principles of academic freedom and tenure. At a joint conference in March 1936 it was agreed that the two Associations should undertake the task of formulating a new statement of principles on academic freedom and tenure which should ultimately replace the 1925 conference statement. Pursuant to this agreement three such joint conferences were held on October 4, 1937, January 22, 1938, and October 17-18, 1938. At the October 1938 conference a statement of principles was agreed upon. This statement was endorsed by the Annual Meeting of the American Association of University Professors on December 28, 1938, and has subsequently been known as the 1938 statement of principles. The statement with several amendments was endorsed by the Annual Meeting of the Association of American Colleges on January 11, 1940. These amendments by the Association of American Colleges made another joint conference of representatives of the two Associations necessary. Such a conference was held in Washington, D. C., on November 8, 1940. At this conference a consensus was again reached and the 1940 statement agreed upon. The only real difference between the 1940 statement and the 1938 statement is in the length of the probationary periods set forth as representing "acceptable academic practice." The probationary periods agreed upon in the 1940 statement are one year longer than in the 1938 statement. Please note the section of the 1940 statement under the heading "Academic Tenure (a) (2), and compare with same section in the 1938 statement (February 1940 *Bulletin*, pp. 49-51).

EDITORIAL NOTE.—Statement of principles concerning academic freedom and tenure formulated by representatives of the Association of American Colleges and of the American Association of University Professors and agreed upon at a joint conference on November 8, 1940. This statement was endorsed by the Association of American Colleges at its Annual Meeting on January 9, 1941, and is to be presented for endorsement to the Annual Meeting of the American Association of University Professors in December 1941.

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher² or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

(564) Academic freedom is essential to these purposes and applies to both the teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically; (1) Freedom of teaching and research and of extra-mural activities, and (2) A sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an

² The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

institution in fulfilling its obligations to its students and to society.

Academic Freedom

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure

(a) After the expiration of a probationary period teachers or investigators should have permanent or

continuous tenure, and their services should be terminated only for adequate cause, except in the case of retirement for age or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) In the precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period, if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if

possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from (565) the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

CONFERENCE STATEMENT OF 1925

EDITORIAL NOTE.—Statement of principles concerning academic freedom and tenure agreed upon at a conference of representatives of the American Association of University Women, the American Association of University Professors, the Association of American Colleges, the Association of American Universities, the Association of Governing Boards, the Association of Land-Grant Colleges, the Association of Urban Universities, the National Association of State Universities, and the American Council on Education

in 1925. This statement was endorsed by the Association of American Colleges in 1925, the American Association of University Professors in 1926, and reaffirmed by the Association of American Colleges in 1935.

Academic Freedom

(a) A university or college may not place any restraint upon the teacher's freedom in investigation, unless restriction upon the amount of time devoted to it becomes necessary in order to prevent undue interference with teaching duties.

(b) A university or college may not impose any limitation upon the teacher's freedom in the exposition of his own subject in the classroom or in addresses and publications outside the college; except insofar as the necessity of adapting instruction to the needs of immature students, or in the case of institutions of a denominational or partisan character, specific stipulations in advance, fully understood and accepted by both parties, limit the scope and character of instruction.

(c) No teacher may claim as his right the privilege of discussing in his classroom controversial topics outside of his own field of study. The teacher is morally bound not to take advantage of his position by introducing into the classroom provocative discussions of irrelevant subjects not within the field of his study.

(d) A university or college should recognize that the teacher in speaking and writing outside of the institution upon subjects beyond the scope of his own field of study is entitled to precisely the same freedom and is subject to the same responsibility as attach to all

other citizens. If the extramural utterances of a teacher should be such as to raise grave doubts concerning his fitness for his position, the question should in all cases be submitted to an appropriate committee of the faculty of which he is a member. It should be clearly understood that an institution assumes no responsibility for views expressed by members of its staff; and teachers should, when necessary, take pains to make it clear that they are expressing only their personal opinions.

Academic Tenure

(a) The precise terms and expectations of every appointment should be stated in writing and be in the possession of both college and teacher.

(b) Termination of a temporary or a short-term appointment should always be possible at the expiration of the term by the mere act of giving timely notice of the desire to terminate. The decision to terminate should always be taken, however, in conference with the department concerned, and might well be subject to approval by a faculty or council committee or by the faculty or council. It is desirable that the question of appointments for the ensuing year be taken up as early as possible. Notice of the decision to terminate should be given in ample time to allow the teacher an opportunity to secure a new position. The extreme limit for such notice should not be less than three months before the expiration of the academic year. The teacher who proposes to withdraw should also give notice in ample time to enable the institution to make a new appointment.

(c) It is desirable that termination of a permanent or long-term appointment for cause should regularly

require action by both faculty committee and the governing board of the college. Exceptions to this rule may be necessary in cases of gross immorality or treason, when the facts are admitted. In such cases summary dismissal would naturally ensue. In cases where other offenses are charged, and in all cases where the facts are in dispute, the accused teacher should always have the opportunity to face his accusers and to be heard in (566) his own defense by all bodies that pass judgment upon the case. In the trial of charges of professional incompetence the testimony of scholars in the same field, either from his own or from other institutions, should always be taken. Dismissal for other reasons than immorality or treason should not ordinarily take effect in less than a year from the time the decision is reached.

(d) Termination of permanent or long-term appointments because of financial exigencies should be sought only as a last resort, after every effort has been made to meet the need in other ways and to find for the teacher other employment in the institution. Situations which make drastic retrenchment of this sort necessary should preclude expansions of the staff at other points at the same time, except in extraordinary circumstances.

STATEMENT CONCERNING RESIGNATIONS, 1929

The following statement was approved at the 1929 Annual Meeting of the American Association of University Professors:

Any provision in regard to notification of resignation by a college teacher will naturally depend on the conditions of tenure in the institution. If a college asserts and exercises the right to dismiss, promote, or

change salary at short notice, or exercises the discretion implied by annual contracts; it must expect that members of its staff will feel under no obligations beyond the legal requirements of their contracts. If, on the other hand, the institution undertakes to comply with the tenure specifications approved by the Association of American Colleges, it would seem appropriate for the members of the staff to act in accordance with the following provision:

1. Notification of resignation by a college teacher ought, in general, to be early enough to obviate serious embarrassment to the institution, the length of time necessarily varying with the circumstances of his particular case.

2. Subject to this general principle it would seem appropriate that a professor or an associate professor should ordinarily give not less than four months' notice and an assistant professor or instructor not less than three months' notice.

3. In regard to offering appointments to men in the service of other institutions, it is believed that an informal inquiry as to whether a teacher would be willing to consider transfer under specified conditions may be made at any time and without previous consultation with his superiors, with the understanding, however, that if a definite offer follows he will not accept it without giving such notice as is indicated in the preceding provisions. He is at liberty to ask his superior officers to reduce, or waive, the notification requirements there specified, but he should be expected to conform to their decision on these points.

4. Violation of these provisions may be brought to the attention of the officers of the Association with the

possibility of subsequent publication in particular cases after the facts are duly established.

— (Reprinted from the Bulletin of the American Association of University Professors for February 1941.)

Senator Welker. One final question, Dr. Gideonse.

You realize, then, that this committee is not interested in the thinking of liberals or the thinking of people who might disagree with the thinking of any member of this committee. We want them to have that freedom. In fact, our objective is to preserve that freedom of thought.

Dr. Gideonse. I fully appreciate that. As I said a little while earlier in the hearing, if I didn't have from your hearings the strong feeling that you not only say that that is what you believe, but that that is what you are doing, I would be myself concerned about the kind of flurry of excitement that exists in some quarters about this committee. I see no such evidence at all, and I appreciate that you are not concerned with the liberal, with the right to be critical, with the right to hold unpopular views; that this is not your interest at all. That you are concerned, as a matter of fact, with protecting genuine freedom of thought against the temptation of some few who (567) have sold their birthright as Americans for a mess of intellectual pottage, to a foreign power.

Mr. Morris. Dr. Gideonse, you have observed, then, that this committee is interested only in people who are actually formally connected with the American Communist Party and affiliated with the international Communist organization, is that right?

Dr. Gideonse. Yes, sir. That is all I have seen that you have been concerned with so far.

The Chairman. Senator McCarran, do you have any questions at this time?

Senator McCarran. I would like to have the doctor tell us the firsthand experience he has had, those on his faculty

or those on his campus, that he had reason to believe were Communists or had had Communist leanings.

Dr. Gideonse. Senator, the answer to that must be very unexciting. If you have personal experience with someone who is an honest liberal, who stands up and is flamboyantly a defender of something that he believes in, knowing that a lot of other people don't, then you have that kind of personal experience with that kind of colleague. These people aren't that way. They are relatively—as you watch them from the administrative angle in an institution like mine, with a faculty of about 700, they are below the horizon of visibility. They operate like moles underneath. You don't see them much. You don't hear them much. It is rather rare that you encounter them directly out in the open. The nature of that business is that of a disciplined conspiracy underneath.

I know of 1 or 2 cases to the contrary. A gentleman that you had up here, and who now has been suspended, whose name is Gustafson, who actually supervised the picket line in front of my home that we were talking about a little while ago. When he was questioned about it, of course, it was just an accident. He happened to live in that part of the city. But he seemed to be living there all the time and was constantly there keeping the picket line going and marching, and things like that.

I remember one of the others who rather amused me, because—his name was Ewen, also before your committee—in the days of the Rapp-Coudert investigation he made a big speech when the Rapp-Coudert investigation started, before a big audience in Brooklyn, in which he announced, among other things, his opposition to the Rapp-Coudert committee, of course, but he also announced that since the committee had started, I—that is, the president of the college—had clamped down the lid on the faculty and on the student body of Brooklyn College. That was quoted in the press. I had clamped down the lid.

I wasn't aware of any lid or any clamping down of any sort, so I called him in. I asked him what evidence there was for the statement that I clamped down the lid.

He equivocated a bit here and there. He had no evidence. There wasn't any. So he finally ended up by saying the evidence was that I had called him in. In other words, the fact that I asked him for evidence on a statement made the day before was evidence for the truth of the statement made 24 hours earlier.

That kind of logic, of course, is rather interesting. But otherwise, there are no colorful experiences. You have to go at this sort of thing (568) by indirection, just as the argument, for instance, that they are flamboyant distorters in class is false. The average member of the Communist Party is altogether too careful to do that. No amount of checking, if that would be desirable—and I would think it would be very incompatible under the conditions of running a good college—you would have to be a very learned and informed man indeed to know about the twisting. Without any twisting of instruction, a disciplined crew of this sort can give you concern.

To make it concrete, he may be teaching English composition. He may say nothing about Korea or about American foreign policy or Marxist ideology, but if he is teaching English composition he knows enough about that class to know that those four students there are the ones who are the most likely to be reachable by a Communist line. All he needs to do, then, in his recruiting capacity, is outside the class to give the names of those four to the student organizer, and the job has been done. That has nothing to do with what he did in his classroom as a teacher, you see.

The Chairman. Any further questions?

Senator McCarran. No further questions.

The Chairman. Senator Johnston, do you have any questions at this time?

Senator Johnston. Dr. Gideonse, you have impressed me here today by your remarks and your testimony. I think you realize fully the danger that we are facing here in the United States at the present time, the threat of communism in the schools and colleges. Do you really believe that the professors in the colleges that are opposing, say, the activities of this committee at the present time, realize fully the danger that we are facing from communism in schools and colleges?

Dr. Gideonse. No, Senator. I think the larger number of the people who are critical or concerned do not themselves realize the nature of the problem. They confuse communism with liberalism. They do not believe some of these things that I have been discussing here as derived from a place that actually had rather a strong dose of infiltration at that time, but which I think is very well under control now. They don't believe those facts unless they are really brought to them and they are shown the evidence of the details, and then something breaks.

Senator Johnston. The reason for that is because, as you stated a few minutes ago, the Communists work in secret all the time?

Dr. Gideonse. That is right.

Senator Johnston. I believe you compared them to a mole. Being from out in the country, I know a mole leaves a little sign, and you can run them down. But do you not believe they are more like termites than a mole?

Dr. Gideonse. They leave a little sign, too, but I leave you the choice in biology that is appropriate. I have no quarrel with it. The difficulty comes back to the same point, Senator. If you could use the instrument of pitiless publicity by reiterating and making available sworn testimony that shows the nature of this conspiratorial conduct as distinct from the behavior of someone who thinks unpopular thoughts, who is merely unorthodox, who has ideas of

his own, then I think you will, as you clarify that, make it clear to the country as a whole that this is something other than what they thought it was.

(569) Senator Johnston. Doctor, what is the purpose of the Communist Party, in your opinion, in infiltrating college faculties and college campuses?

Dr. Gideonse. Purely and simply to serve the ends of their political masters. They are an instrument of Russian foreign policy.

Senator McCarran. Mr. Chairman, I would like to ask a question, if I might.

The Chairman. Yes.

Senator McCarran. I do not want to interfere with the other Senators.

The Chairman. Senator Watkins, do you have any questions?

Senator Watkins. I have no questions.

The Chairman. Senator McCarran.

Senator McCarran. Doctor, I have been very much interested in your discussion here this afternoon. I wonder if it is true in your experience that the American people fail to realize that this Communist conspiracy does not work by and through the majority. The majority of the people of Russia today are not for the party. The minority, working continuously within the body politic, is the thing that has brought Russia to its present condition and will bring this country to that condition unless we are awakened to the situation.

In other words, one Communist in a group, if he is in a key position—and they always work for the key position—can do more harm than the group can undo in a lifetime. Do you agree with our theory in that regard?

Dr. Gideonse. Yes. I think it is like a rotten apple in a barrel. We all know what happens to the barrel in no time.

I don't quite agree with you, Senator, that we are in

quite so great a danger now. I think this thing is on the run, and we are in various ways smoking it out so effectively that I think among young people it is losing its appeal with astounding rapidity. I certainly do not feel unhappy about the position of American young people today with regard to the temptations coming from that side. In fact, I feel just the opposite. I feel happier about the present condition than I have for a long time; and I am not just an administrator, I also teach classes still as president of the college.

But you are quite right, they pretend to be democrats, with a small "d." They pretend to be in favor of freedom, and of course the literature of the party and its practice makes it perfectly plain, if you study it a bit, that that is not the fact.

They talk about democratic centralism, by which they mean that you take orders from the guy in the center. That is what democratic centralism means.

They talk a great deal about membership in the party, and that, I think, misleads a lot of American liberals who think, "If I am a member of the Democratic Party, I do not necessarily have to agree with Senator McCarran," which is true. Therefore, if I am a member of the Communist Party, I do not necessarily have to agree with whatever the big Pooh-Bah says." That isn't so, because "member of the Communist Party" means—and they always use this word—you are an agent of the party, an "agent." In other words, you get orders and do what the principal tells you to do.

(570) That makes some liberals think that therefore, you can be a member of the Communist Party and not be committed to a lot of these bad things we have been talking about today, that you reject. You can't. As far as there is evidence available—and there is plenty of it on the books—a member of the party takes orders in whatever it is the

party wants to give him orders in; and he can't even get out without being punished.

I suppose your committee knows that it is pretty well standard practice in the party—and this is one of the things that always gives me great concern when I am dealing with young people who have gotten involved in it—they make a special point of taking a young person who is becoming a member of the party in the sense of having been in for some months, who has gone through the first trials. Now they are perhaps going to charge him with something a little more important. In order to avoid that he should be shocked into dropping the party by the nature of the new assignment, they make a special point of getting that person involved in something nasty. That something nasty may have to do with taking moneys for something that he would gladly have done for nothing; it may have something to do with sex; with a large number of things. That is documented, not for the public. No one is told about that except the inner group. But the individual knows that somebody knows. So if the time comes when the individual wants to break with the party, the threat is held over his head, "This will be told on you."

That wholly evil force holds them within the discipline. It is sometimes a thing that governs my behavior when I know of some particular individual cases of this sort, because you have an awareness of that particular hazard as one of the things that at the age of 19 or 20 might wreck young life. You therefore have to approach the matter with some delicacy, a delicacy which I wouldn't at all advocate with a 50-year-old who is an old warhorse in party discipline.

Senator Watkins. May I ask a question?

The Chairman. Had you finished, Senator McCarran?

Senator McCarran. Just one more question.

Doctor, I am very much interested in your optimism. I

hope to share it. My experience over the past several years does not give me quite as much optimism as you appear to have. The experience, "It can't happen here," is a thing I am very much concerned about.

That same expression was made in countries today behind the iron curtain, and they were democracies, and their people were as loyal and as patriotic as any people could be. I would like to interest the American people in that expression, "It can't happen here." It can happen here. I think you would join with me in this thought; It could happen here. It can happen through a minority, if you please, if during times when we are off guard, when we let down our guard, when we lose the thought of the danger of this sinister thing, this conspiracy, we allow them to take over in groups, in colleges, in schools.

I have today in mind the fact that there is in the schools of America in certain States of the Union, as disclosed before another committee of which I happen to be a member, the Appropriations Committee, a movement that is decidedly communistic in line, and that is the so-called One World movement. I draw your attention to that, Doctor, because you are in a position where you can well afford to give it careful thought.

(571) Dr. Gideonse. I personally, Senator, have always been a little leary of some aspect of the federalist movement business, which is one reason why, although I am very much interested in the foreign policy of the United States, you will not find Harry Gideonse's name away back in connection with that particular movement or some aspects of it.

I would also say, however, that I am, from my personal experience with a large number of its leaders in and around New York City, convinced that that is not true of a very large group of the most interested personnel in the movement, and that it cannot be true that Communists have much to do with it today, because certainly the country.

that is the most firm in rejecting qualified national sovereignty in international relations is the Soviet Union. So while there may be some fuzzy thinking, and I am certain there is, in that movement, I can't believe, until I saw some evidence of it, that it is fuzzy thinking of the Communist-inspired sort, because the Communist Party must follow the Russian line, and the Russian line is very clearly against widened, broadened international authority over national governments.

Senator McCarran. If you destroy patriotism, Doctor, if you destroy patriotism in the United States—and that is undoubtedly the teaching of this so-called One World movement—you will have gone a long ways toward weakening our resistance to the Communist conspiracy.

The Chairman. Senator Watkins, do you have a series of questions?

Senator Watkins. I would like to inquire of the Doctor: Have you had any instances where faculty members who have been either members of the Communist Party or going along that line, have repented and recanted from their positions?

Dr. Gideonse. Oh, yes.

Senator Watkins. What is your attitude with respect to those men when they have once done that?

Dr. Gideonse. It is the attitude, Senator, that there is more joy in heaven over one sinner, et cetera, than over 99 of the righteous. Compassion, I think, is supposed to be a part of the American philosophy. For that matter, education is one of the purposes of the college. So nothing happens to such in individual. If he remains a live and resilient members of the faculty, he just moves right along with the others.

You had one of those before you in this committee, Professor Albaum. Right after that testimony, I heard—you see, there is a lunatic fringe, Senator, on the right as well

as on the left. The lunatic fringe on the left thinks every Communist is just a wee little liberal; and the lunatic fringe on the right thinks every liberal is a Communist.

Senator Watkins. I am speaking now of a genuine Communist who has apparently repented.

Dr. Gideonse. They thought this man ought to be fired, and they thought, to make it more serious, that this man should not be promoted. He happened to be on my promotion list just at the time your committee called him in. I put him through for promotion on the stipulated time just about 6 weeks after he testified, and nothing has happened, and I think the record is clear.

Senator Watkins. Did you make any examination or investigation to find out whether he actually has repented, or has just appeared to?

(572) Dr. Gideonse. I have known for years that he was a trustworthy and reliable member of the staff.

Mr. Morris. Dr. Gideonse knows that he appeared before this committee and gave full, frank, and candid testimony, and in executive session even gave additional testimony about his participation in the Communist organization, and therefore did considerable damage to the Communist organization.

The Chairman. We need more of them.

Senator Watkins. In other words, what I am trying to find out is: The door is not closed to them if they do repent?

Dr. Gideonse. Not at all. I would say Senator, really, in handling this problem you could do nothing more foolish than to punish people who now regret their former associations and cooperate with you. One of the first things that you must make crystal clear, if you want to find out about the content of the conspiracy, is that you are going to protect all of those who now regret their former conspiratorial conduct and cooperate with you.

Senator Watkins. I would like to ask you about publications on the campus of the Brooklyn College. Have you ever seen any publications there that the Communist Party used for propaganda purposes?

Dr. Gideonse. Senator, their chief method of indoctrinating the campus is an apparently unending flow of free leaflets that are distributed at the gate. Year after year and literally day after day, some 10,000 to 20,000 leaflets a day handed out at the gate to the youngsters as they come on the campus.

Senator Watkins. Can you name some of these publications?

Dr. Gideonse. Oh, no. They are just mimeographed literature or a printed folder about some specific issue. They are not published regularly. This is a leaflet on, let's say, the fees now charged, or it is a leaflet about Korea, or some speech that somebody has made that they don't like, or something about the President. Their campaign of misrepresentation, of course, is featured by always putting the responsibility for everything they don't like on one man, dramatize the President. In other words, every time the faculty committee does something they don't like, the administration of the college is blamed for it, and there is a leaflet at the gate.

This takes place now—by the way, one of the things that made me more optimistic is that this particular flow of literature—I used to call it the geyser of gush—at the gate has now dried up. There doesn't seem to be the life in the show any longer. But in the days when they were working us, when they were trying very hard to retain hold on the campus and when they were losing it, this was the standard practice.

Also, at times free Daily Workers would be handed out.

Senator Watkins. I was going to ask you about that, if you had received any of them. How were they distributed, ordinarily?

Dr. Gideonse. The standard distribution is through the newsstands, of course, but there would be somebody standing there and just giving them free.

Senator Watkins. Would they be the same persons?

Dr. Gideonse. No, I would think not.

Senator Watkins. Could you identify any of them with any of the subversive organizations?

(573) Dr. Gideonse. No, sir. This happens out of the jurisdiction of the college, outside the gate, and that is civil liberties and police-protected. There is nothing you can do about that.

Senator Watkins. Would there be any distribution on the campus itself?

Dr. Gideonse. No. That is contrary to all college regulations.

Senator Watkins. How did you enforce that regulation?

Dr. Gideonse. The student would be sent to the dean's office, et cetera, but that is never necessary or rarely necessary.

Senator Watkins. You never had any trouble in that respect?

Dr. Gideonse. I would say none to speak of, considering the size of the institution.

The Chairman. Senator Hendrickson, do you have any questions?

Senator Hendrickson. Yes, Mr. Chairman.

Dr. Gideonse; this committee has heard a lot lately about the subject of academic freedom. You have mentioned the subject 2 or 3 times this afternoon.

Dr. Gideonse. Yes, sir.

Senator Hendrickson. Would you care to give this committee a true definition of academic freedom as you understand it?

Dr. Gideonse. I have been a member of the American Association of University Professors for some more than

20 years, and I was president of the University of Chicago chapter when I was on the faculty there for two successive terms. I have served the association on one of its most important investigating committees, on the Yale University case. I think I know what the association means by it.

The association means by it that a scholar who has acquired tenure, permanent appointment, has the right to freedom to teach in the sense that he owes an explanation of what he does in that capacity only to his peers, his colleagues in the profession. That if there are any issues about that, the issues should arise before a committee of professors who determine, in terms of their professional understanding of his subject matter, whether or not he has sinned against the professional rules.

I think that is the heart of it, and it is as simple as that. In other words, it is an effort to protect the man who thinks a thought or writes a thought in his publications that may be provocative to the majority or dominant material or church groups in the community against that kind of influence.

Senator Hendrickson. I yield to the Senator from Utah.

The Chairman. You go ahead and finish your questions, Senator Hendrickson. We are trying to conclude here.

Senator Hendrickson. Doctor, this question may have been asked during my absence from the committee room. I would like to ask if, in your opinion, an active Communist can be a good teacher at all?

Dr. Gideonse. I would say, Senator, that if an active Communist should ever come under my observation who openly admitted that he was, it would be possible, because I think if you know that the man has this loyalty, then you can allow for a lot of the bias, and then you can get an interesting contribution to the diversity of opinion that is partly the heart of good education. I have never met, in academic life, a man who admitted that he was.

(574) In other words; that theoretical exemption I put it in because I can think of it as having some validity, but it doesn't occur in practice. In practice they are always underneath, and obviously a teacher who has underneath commitments of discipline to someone in scholarly matters is by definition unacceptable as a teacher. That is a kind of loyalty that is incompatible with a free mind and a free community of scholars.

As I said, in my experience they are always that way. I have never met one out in the open. Theoretically, I can think of that as an exciting kind of intellectual experience if you knew this man is that, "Now let's have the argument out in the open." But you never get it.

Senator Hendrickson. I was glad to hear you say, Doctor, that you agreed with Dr. Jones of Rutgers. I think he made one of the finest statements on this subject that I have seen anywhere.

The Chairman. Senator Watkins?

Senator Watkins. I am interested in the affirmative side. What, if anything, is done in your college to teach the dangers of communism, and to explain really what communism is?

Dr. Gideonse. I don't want any misunderstanding about Brooklyn College as it now stands. I think this situation, as things are now, is completely under control at Brooklyn College. As a matter of fact, I think we have rather a healthy reputation for being rather ruthless about things of this sort. It is only 2 years ago that we got blasted as being a police state in which fatal blows to freedom were struck, by the Civil Liberties Union, because of the manner in which we handled some Communist infiltration on our student paper. The situation as it stands is not a problem at Brooklyn College at all, facultywise or studentwise.

Senator Watkins. May I ask, do you think a college could properly have as part of its course to explain what communism is and what its dangers are?

Dr. Gideonse. I think any college worth its salt probably deals with communism in a large number of courses. We certainly do. We deal with it in Government courses, in economics courses, in philosophy courses, wherever it is relevant. If you want to understand the modern world—and that is presumably what a college is concerned with—you must give your students some understanding of what communism pretends to be and what it in fact is.

Senator Watkins. That is why I am asking the question. I am wondering what the college does to explain really what communism is and what its objectives are.

Dr. Gideonse. Big slices of our courses in Government and philosophy are concerned with Communist literature, the description of the Soviet Government, its influence in foreign affairs, and so on. I, in my own course, spend a quite considerable slice of time on communism, and I would say that that is what a college today should do.

It would be very silly indeed to try to fight communism by keeping it out of the curriculum. You can't waterproof the young American mind against the things that the newspaper every day rains down on it all day long.

Senator Watkins. I commend you for that point of view, because I think there ought to be an objective approach to all of these very problems, including communism.

The Chairman. Mr. Morris, do you have any further questions?

(575) Mr. Morris. Dr. Gideonse, do faculty members participate in the election of department heads at your college?

Dr. Gideonse. I think our bylaws, Mr. Morris, governing the faculty and student organization are probably the most democratic in the United States. Our faculty shares in administrative responsibilities in the widest possible sense, and one of the ways in which I have, I think, managed to overcome this difficulty in the history of Brooklyn

College is by always insisting that the policies that were hammered out were the policies of the faculty committees. Their effort is always to stick the president with the administration of this. Invariably, decisions are faculty-committee decisions. That is the way to win this fight. Give everybody a share in the experience so they all see the facts.

It is a little hard, because most people would like to be inert and do their own things and not be busy with it, but have opinions about it, anyway. But our system is one of sharing. Therefore, for instance, department chairmen are invariably based on recommendations of the department. It is true the president has the right to reject the nomination before it goes to the board, but I think it is true that, for instance, of the 23 or 24 chairmen now at the college, every single one was the choice of the department; not a single one of them was based on a veto by the president.

Mr. Morris. Dr. Gideonse, at the peak of the Communist strength in your college some years back, was the election of chairmen of the different departments a political issue that Communists were in fact engaging in?

Dr. Gideonse. At what time?

Mr. Morris. At the peak of the Communist strength.

Dr. Gideonse. Yes. They were very much interested in getting the bylaws revised in as extreme fashion as possible so the staff would have the exclusive say-so. One of their quarrels with me at the time I was being appointed—I was a professor at Columbia University at the time—was that they apparently had heard that I insisted unless I had, as president, some say over the matter, I was not interested in accepting the offer. The bylaws were changed at the time of my appointment so that this faculty participation became a matter of recommendation to the president, which he had the right to reject if he found reasons to state to the board for it, and, of course, they saw in that the beginning of some reorientation.

The Chairman. Doctor, on behalf of the committee, I want to thank you for appearing before this committee. You have given us a great deal of information. I am sure it has been beneficial to the committee and, I hope, to the public at large. Thank you very much.

(Whereupon, at 3:30 p. m., the hearing was recessed, subject to call.)